99TH CONGRESS
1st Session

SENATE

TREATY DOC.
99-7

AMENDMENT TO THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN AMENDMENT TO PARAGRAPH A.1 OF ARTICLE VI OF THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF GOVERNORS, WHICH WAS APPROVED BY THE AGENCY'S GENERAL CONFERENCE ON SEPTEMBER 27, 1984

JULY 26, 1985.—Amendment was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

51-118 O

WASHINGTON : 1985

5385-7

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 26, 1985.*

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to acceptance, an amendment to Article VI, paragraph A.1 of the Statute of the International Atomic Energy Agency, as amended. The amendment was recommended unanimously by the Board of Governors of the Agency on June 6, 1984, and approved by the Agency's General Conference on September 27, 1984. I also transmit the report of the Department of State on the amendment.

The amendment, if approved by two-thirds of the members of the Agency, will increase from nine to ten the members of the Agency designated for a seat on the Board of Governors by virtue of their status as most advanced in the technology of atomic energy without regard to geographical distribution. This expansion will accommodate the entry of the People's Republic of China into the organization, which occurred on January 1, 1984. Under the amendment, the People's Republic of China will be able to occupy a seat on the Board of Governors without displacing any of the other designated members (currently these are Australia, Belgium, Brazil, Canada, Egypt, France, the Federal Republic of Germany, India, Japan, the USSR, the United Kingdom, and the United States).

I recommend that the Senate give early and favorable consideration to this matter, and give advice and consent to acceptance by the United States of the amendment to Article VI, paragraph A.1 of the Statute, as amended.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, May 22, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to acceptance, a certified copy of the amendment to paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency, as amended (8 UST 1093; TIAS 3873; 276 UNTS 3; 24 UST 1637; TIAS 7668), relating to the composition of the Board of Governors, which was approved by the General Conference of the Agency on September 27, 1984.

At present, under the Agency's Statute each outgoing Board of Governors designates for Board membership the nine members of the agency most advanced in the technology of atomic energy (the "globally most advanced nations") (Art. VI(A)(1)), as well as the member most advanced in any of eight geographical regions for which there is no globally most advanced Board member. Art. VI(A)(1). The Agency's General Conference then elects 22 additional members to the Board—half each year for two year terms—on the basis of a further geographical formula. Art. VI(A)(2). The purpose of the proposed amendment is to expand from nine to ten the members designated for a seat on the Board of Governors by virtue of their status as globally most advanced in the technology of atomic energy.

The amendment was prompted in large part by the admission of the People's Republic of China to the Agency on January 1, 1984. By expanding the number of globally most advanced seats on the Board from nine to ten, the proposed amendment will permit China to participate on the Board without displacing any other nations currently holding a seat by Board designation. These are Australia, Belgium, Brazil, Canada, Egypt, France, the Federal Republic of Germany, India, Japan, the USSR, the United Kingdom and the United States.

If the proposed amendment becomes effective, it will mark the third time Article VI of the Statute has been amended to accommodate the changing composition of the Agency and the capabilities of its members. Under an amendment effective in 1963, the overall size of the Board was increased to provide for two additional elected seats to the Africa and Middle East area. 14 UST 135; TIAS 5284; 471 UNTS 334. Under an amendment effective in 1973, the Board's size was again increased, both by expanding the number of globally most advanced members from five to nine, and by expanding the number of elected members from twelve to twenty-two. 24

UST 1637; TIAS 7668. At that time, it was recognized that entry of the People's Republic of China into the Agency would necessitate a review of the globally most advanced members on the Board (S. Exec. C, 92d Cong, 2*d* Sess., v (1972)).

The Board of Governors unanimously recommended the present amendment on June 6, 1984. The amendment was approved by the Agency's General Conference on September 27, 1984. The United States co-sponsored the proposed amendment in the Board of Governors and supported it in the General Conference. In accordance with Article XVIII, paragraph C, of the Statute of the Agency, the amendment will come into force when two-thirds of the members have deposited instruments of acceptance. At this time, 13 members have accepted the amendment; 75 acceptances are required.

The admission of the People's Republic of China to the IAEA and its participation on the Board of Governors constitute important milestones in the quest to ensure the peaceful uses of atomic energy.

I recommend that the proposed amendment to Article VI be transmitted to the Senate for advice and consent to acceptance.

Respectfully submitted,

GEORGE P. SHULTZ.

INTERNATIONAL ATOMIC ENERGY AGENCY,
Vienna, Austria.

The Director General of the International Atomic Energy Agency presents his compliments to His Excellency the Secretary of State of the United States of America and has the honour to transmit herewith a certified copy of the text of an amendment to Paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency, which was approved by the General Conference of the Agency on 27 September 1984 by Resolution GC(XXVIII)RES/422 a copy of which is also enclosed. Acceptance of the amendment is to be effected by the deposit of an instrument of acceptance with the Depositary Government, namely the Government of the United States of America.

30 October 1984,

Bx.

Attachments.

AN AMENDMENT OF ARTICLE VI OF THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Replace sub-paragraph A.1 by the following:

"1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:

(1) North America
(2) Latin America
(3) Western Europe
(4) Eastern Europe
(5) Africa
(6) Middle East and South Asia
(7) South East Asia and the Pacific
(8) Far East."

On behalf of the Director General of the International Atomic Energy Agency, I, Andronico Oduogo Adede, Director of the Legal Division of the Secretariat, hereby certify that the text set out above, of which the Chinese, English, French, Russian and Spanish languages are equally authentic, is that of the amendment to Article VI of the Statute of the Agency, approved by the General Conference on 27 September 1984, in accordance with the provisions of Article XVIII.C.(i) of the Statute.

30 October 1984,

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INTERNATIONAL ATOMIC ENERGY AGENCY,
GENERAL CONFERENCE,
8 October 1984.

(Twenty-eighth regular session, Agenda item 8 (GC(XXVIII)/730))

AMENDMENT OF ARTICLE VI.A.1 OF THE STATUTE

Resolution adopted during the 263rd plenary meeting on 27 September 1984

AMENDMENT OF ARTICLE VI.A.1 OF THE STATUTE

The General Conference,

Having considered the recommendation of the Board of Governors, made by unanimous decision in June 1984, concerning amendment of Article VI.A.1 of the Statute,

Amends Article VI.A.1 of the Statute, by replacing the word "nine" by the word "ten" in the two places where the former occurs.

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99TH CONGRESS
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TREATY DOC.
99-8

SUPPLEMENTARY EXTRADITION TREATY WITH THE UNITED KINGDOM

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, WITH ANNEX, SIGNED AT WASHINGTON ON JUNE 25, 1985

JULY 17, 1985.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

51-118 O

WASHINGTON : 1985

S385-8

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *July 17, 1985.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Extradition Treaty between the United States of America and the United Kingdom, with annex, signed at Washington on June 25, 1985.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Supplementary Treaty.

The Supplementary Treaty adds to and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972.

It represents a significant step in improving law enforcement cooperation and combatting terrorism, by excluding from the scope of the political offense exception serious offenses typically committed by terrorists, e.g., aircraft hijacking and sabotage, crime against diplomats, hostage taking, and other heinous acts such as murder, manslaughter, malicious assault, and certain serious offenses involving firearms, explosives, and damage to property.

The Supplementary Treaty, in addition to narrowing the application of the political offense exception to extradition, will also help improve implementation of the current Extradition Treaty in several other respects. I recommend that the Senate give early and favorable consideration to the Supplementary Treaty and give its advice and consent to ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 3, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Supplementary Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with annex, signed at Washington on June 25, 1985. I recommend that the Supplementary Treaty be transmitted to the Senate for advice and consent to ratification.

The Supplementary Treaty supplements and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972 (28 U.S.T. 227; TIAS 8468). The Supplementary Extradition Treaty would exclude specified crimes of violence, typically committed by terrorists, from the scope of the political offense exception to extradition. It therefore represents a significant step to improve law enforcement cooperation and counter the threat of international terrorism and other crimes of violence.

Article 1 of the Supplementary Treaty effectively limits the scope of Article V, paragraph (1)(c)(i) of the current Extradition Treaty—the political offense exception—by listing the crimes which shall not be regarded as offenses of a political character, namely: aircraft hijacking; aircraft sabotage; crimes against internationally protected persons, including diplomats; hostage taking; as well as murder; manslaughter; malicious assault; kidnapping; and specified firearms, explosives, and serious property damage offenses.

Article 2 of the Supplementary Treaty amends Article V, paragraph (1)(b) of the current Extradition Treaty by providing that extradition shall be denied if prosecution would be barred by the statute of limitations of the requesting State. The current treaty provision permits the statute of limitations of either the requesting or requested State to apply.

Article 3 of the Supplementary Treaty amends Article VIII, paragraph (2) of the current Extradition Treaty by providing that the requesting State shall have as much as 60 days following provisional arrest to submit evidence in support of an extradition request, and that if by that time such evidence has not been submitted the person arrested shall be set at liberty. The current treaty allows only 45 days.

Article 4 of the Supplementary Treaty provides that its provisions shall apply to any offense committed before or after the entry

into force of the Supplementary Treaty, but shall not apply to an offense committed before the Supplementary Treaty enters into force if the offense in question was not an offense under the laws of both Contracting Parties at the time of its commission.

Article 5 of the Supplementary Treaty provides that it shall form an integral part of the current Extradition Treaty and sets forth its territorial application for the United States and the United Kingdom, respectively.

Article 6 of the Supplementary Treaty provides that it shall enter into force upon the exchange of instrumens of ratification and shall be subject to termination in the same manner as the current Extradition Treaty.

The Department of Justice joins the Department of State in favoring transmission of this Supplementary Treaty to the Senate at the earliest possible date.

Respectfully submitted,

GEORGE P. SHULTZ.

SUPPLEMENTARY TREATY CONCERNING THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, SIGNED AT LONDON ON 8 JUNE 1972

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to make more effective the Extradition Treaty between the Contracting Parties, signed at London on 8 June 1972 (hereinafter referred to as "the Extradition Treaty");

Have resolved to conclude a Supplementary Treaty and have agreed as follows:

ARTICLE 1

For the purposes of the Extradition Treaty, none of the following offenses shall be regarded as an offense of a political character:

(a) an offense within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature at The Hague on 16 December 1970;

(b) an offense within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971;

(c) an offense within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973;

(d) an offense within the scope of the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979;

(e) murder;

(f) manslaughter;

(g) maliciously wounding or inflicting grievous bodily harm;

(h) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;

(i) the following offenses relating to explosives:

(1) the causing of an explosion likely to endanger life or cause serious damage to property; or

(2) conspiracy to cause such an explosion; or

(3) the making of possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;

(j) the following offenses relating to firearms or ammunition:

(1) the possession of a firearm or ammunition by a person who intends either himself or through another person to endanger life; or

(2) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;

(k) damaging property with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;

(l) an attempt to commit any of the foregoing offenses.

ARTICLE 2

Article V, paragraph (1)(b) of the Extradition Treaty is amended to read as follows:

"(b) the prosecution for the offense for which extradition is requested has become barred by lapse of time according to the law of the requesting Party; or"

ARTICLE 3

Article VIII, paragraph (2) of the Extradition Treaty is amended to read as follows:

"(2) A person arrested upon such an application shall be set at liberty upon the expiration of sixty days from the date of his arrest if a request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request for extradition is subsequently received."

ARTICLE 4

This Supplementary Treaty shall apply to any offense committed before or after this Supplementary Treaty enters into force, provided that this Supplementary Treaty shall not apply to an offense committed before this Supplementary Treaty enters into force which was not an offense under the laws of both Contracting Parties at the time of its commission.

ARTICLE 5

This Supplementary Treaty shall form an integral part of the Extradition Treaty and shall apply:

(a) in relation to the United Kingdom: to Great Britain and Northern Ireland, the Channel Islands, the Isle of Man and the territories for whose international relations the United Kingdom is responsible which are listed in the Annex to this Supplementary Treaty;

(b) to the United States of America;

and references to the territory of a Contracting Party shall be construed accordingly.

ARTICLE 6

This Supplementary Treaty shall be subject to ratification and the instruments of ratification shall be exchanged at London as soon as possible. It shall enter into force upon the exchange of instruments of ratification. It shall be subject to termination in the same manner as the Extradition Treaty.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Supplementary Treaty.

DONE in duplicate at Washington this twenty-fifth day of June, 1985.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

ANNEX

Anguilla
Bermuda
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Falkland Islands Dependencies
Gibraltar
Hong Kong
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St. Helena
St. Helena Dependencies
The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
Turks and Caicos Islands

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